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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/635,053	08/06/2003	Frank Martinez	6542/53775	1344
30505	7590	04/19/2007	EXAMINER	
LAW OFFICE OF MARK J. SPOLYAR 2200 CESAR CHAVEZ STREET SUITE 8 SAN FRANCISCO, CA 94124			OMOSEWO, OLUBUSOLA	
			ART UNIT	PAPER NUMBER
			2168	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/19/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)
	10/635,053	MARTINEZ ET AL.
	Examiner	Art Unit
	OLUBUSOLA ONI	2168

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 28 December 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 33-38 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 33-38 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

1. This action is responsive to communication: Amendment, filed on: 12/28/2006
2. New grounds of rejection are based on newly amended claim.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 33-38 rejected under 35 U.S.C. 102(e) as being anticipated by Zoltan et al. (Patent No U.S 6,938,031) hereinafter "Zoltan".

For claim 33, Zoltan teaches "a data repository node"(fig. 1, node101a), comprising "an interface operative to communicate with client nodes and at least one other distributed data repository node over a computer network (Col. 6, lines 51-Col. 7, lines 21 & fig. 1), and a mapping module (Col. 13, lines 24-25, processor 406) comprising a content map (Col. 16, lines 65-Col. 17, lines 10 & FIG. 5, data table 420) and at least

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one index map corresponding to an attribute (Col.18, lines 31-49 & fig. 7, change table 418 as index map corresponding to time stamp as an attribute); wherein the mapping module is operative to receive a request to insert a record from a first client node (Col. 13, lines 40-44, receiving a request to add a row)

generate a unique identifiers in response to the record insertion request(Col. 15, lines 10-15, a row identifier as unique identifier is generated for the added row)

transmit the unique identifier to the client node(Col. 15, lines 14-21)

receive an insertion message including at least one record attribute value(Col. 13,lines 42-44, processor 406 receives a request to add a row, Col. 17, lines 3-10 includes an added row and attribute values such as names, addresses and phone numbers of customers)

store the at least one record attribute value associated with the insertion message in a corresponding index map in association with the unique identifier (Col. 18, lines 37-Col. 19, lines 1, a change made to the information is stored as an entry of change table 418, wherein table entries 704 represent the entries in the data table 420 that have been added. Thus, a table entry of change table 418 or corresponding index includes attribute values such as names, addresses and phone numbers of customers, however, row identifier 706 identifies associated with the row being added may be stored in table 418);

receive record chunks from the client node(Col. 13,lines 40-44, request to add or delete rows into or from a table, are received at node 101a. The client nodes that request is implied in the teachings)

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store the record chunks in the content map in association with the unique identifier(Col. 13, lines 42-44, processor 406 stores the row as requested in data store 404 that contains data table 420 as content map. Col. 15, lines 10-19 include a row identifier as unique identifier is generated for the added row)

receive a query from a second client node, wherein the record satisfies the query(Col. 6, lines 21-50)

provide the record chunks associated with the unique identifier corresponding to the record (Col. 13, lines 42-44, Col. 15, lines 10-19)

stream addition record chunks to the second client node as they are received from the first client node(Col. 13, lines 45-50, wherein processor 406 tracks the changes such as addition or deletion made to the information in data store 404, and communicates these changes to the database server 402 in another database 112, fig. 1)

For claim 34 Zoltan teaches "wherein the mapping module is further operative to synchronize the record attribute values in the at least one index map with record attribute value of least one index map maintained by the at least one other distributed data repository nodes"(Col.14, lines 15-19)

For claim 35, Zoltan teaches "wherein the mapping engine is further operative to transmit the record chunks to at least one other data repository node for replication" (Col. 19, lines 1-8)

For claim 36, this claim is rejected on grounds corresponding to the arguments given above for rejected claim 33 and is similarly rejected.

For claim 37, Zoltan teaches "wherein each distributed data repository node is further operative to transmit the record chunks to at least one other data repository node for replication" (Col. 19, lines 1-8)

For claim 38, Zoltan teaches "wherein each distributed data repository node is further operative to request and receive from at least one other distributed data repository node record chunks that match a query received from a client node" (Col. 3, lines 46-63)

Response To Arguments

5. Applicant's arguments with respect to claims 33-38 have been considered but are moot in view of new grounds of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OLUBUSOLA ONI whose telephone number is 571-272-2738. The examiner can normally be reached on 7.30-5.00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, TIM VO can be reached on 571-272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

OLUBUSOLA ONI
Examiner
Art Unit 2168

KBP


TIM VO
SUPERVISORY PATENT EXAMINER
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